

## Fiscal Estimate — 2005 Session

|                                              |                                       |             |                                      |
|----------------------------------------------|---------------------------------------|-------------|--------------------------------------|
| <input checked="" type="checkbox"/> Original | <input type="checkbox"/> Updated      | LRB Number  | Amendment Number if Applicable       |
| <input type="checkbox"/> Corrected           | <input type="checkbox"/> Supplemental | Bill Number | Administrative Rule Number<br>NR 243 |

### Subject

Adoption of repeal and recreation of ch. NR 243, Wis. Adm. Code - Animal Feeding Operations

### Fiscal Effect

State: ☐ No State Fiscal Effect  
☐ Indeterminate

Check columns below only if bill makes a direct appropriation  
or affects a sum sufficient appropriation.

☐ Increase Existing Appropriation    ☐ Increase Existing Revenues  
☐ Decrease Existing Appropriation    ☐ Decrease Existing Revenues  
☐ Create New Appropriation

☒ Increase Costs — May be possible to absorb  
within agency's budget.

☒ Yes    ☐ No

☐ Decrease Costs

Local: ☒ No Local Government Costs

☐ Indeterminate

1. ☐ Increase Costs  
    ☐ Permissive    ☐ Mandatory  
2. ☐ Decrease Costs  
    ☐ Permissive    ☐ Mandatory

3. ☐ Increase Revenues  
    ☐ Permissive    ☐ Mandatory  
4. ☐ Decrease Revenues  
    ☐ Permissive    ☐ Mandatory

5. Types of Local Governmental Units Affected:  
☐ Towns    ☐ Villages    ☐ Cities  
☐ Counties    ☐ Others \_\_\_\_\_  
☐ School Districts    ☐ WTCS Districts

### Fund Sources Affected

☒ GPR    ☐ FED    ☐ PRO    ☐ PRS    ☐ SEG    ☐ SEG-S

### Affected Chapter 20 Appropriations

### Assumptions Used in Arriving at Fiscal Estimate

#### SUMMARY OF RULE

This chapter implements the Wisconsin Pollutant Discharge Elimination System (WPDES) permit program for Concentrated Animal Feeding Operations (CAFO). The rule is being revised to reflect changes to federal CAFO rules administered by the U.S. EPA. For all estimates of fiscal impacts the department assumed that there would be 260 permitted CAFOs within 5 years of code promulgation (150 permitted CAFOs under permit as of rule promulgation, up to 15 immediate first time permittees as a result of rule revisions and an additional 95 new CAFOs in the next five years based on 16 CAFO permit applications/year).

#### FISCAL IMPACT - DNR

The fiscal impacts of revisions to NR 243 falls into two major areas--increasing the amount of review time required for nutrient management plans and increasing the number of reviews for manure storage facilities.

The estimated impact is as follows:

(A) Nutrient management plans. The Department estimates that an additional 10 hours of staff time will be required for each annual review of a nutrient management plan. This type of work is typically done by a Wastewater Specialist - Senior. Assume 260 CAFOs \* 10 hours each = 2,600 additional staff hours per year. This equates to 1.4 FTE (2,600 hours/1800 hours per FTE = 1.4 FTE) and associated salary-related costs (with fringes) of \$85,384 (2,600 hours \* \$32.84/hr = \$85,384).

### Long-Range Fiscal Implications

None

|                      |               |                                 |
|----------------------|---------------|---------------------------------|
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|                      | 266-2794      |                                 |

## Fiscal Estimate — 2005 Session

### Page 2 Assumptions Narrative Continued

|             |                                      |
|-------------|--------------------------------------|
| LRB Number  | Amendment Number if Applicable       |
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Assumptions Used in Arriving at Fiscal Estimate – Continued

#### FISCAL IMPACT - DNR (cont.)

(B) Manure storage facilities. The Department estimates that there will be a 20% increase in the number of manure storage facilities that will need to be reviewed as a result of the revision to NR 243 (80% of current operations already have constructed 6 months storage even though it is not a code requirement). We assume that this trend would have continued and that only 20% of current and future permitted operations would need to construct storage as a result of the proposed rule. It is estimated each storage facility will require 8 hours of review time. This type of work is typically done by a Water Resources Engineer - Senior. Assume 260 total CAFOs over the next 5-year period \* 20% increase in storage facilities = 52 new storage facilities \* 8 hours review per facility = 416 additional hours over a 5-year period/5 years = 83 additional staff hours per year. This equates to approximately 0.1 FTE per year (83 hours/1800 hours per FTE = 0.1 FTE) and associated salary-related costs (with fringes) of \$3004 (83 hours \* \$36.19/hr = \$3004).

#### FISCAL IMPACT - OTHER STATE AND LOCAL AGENCIES

Since the WPDES permit program is administered solely by the Department, other state and local agencies should not expect increased costs associated with administering the changes to WPDES permit requirements. Other state (primarily, the Department of Agriculture, Trade and Consumer Protection) and local agencies (primarily Land Conservation Departments) may experience additional requests for assistance from CAFOs in developing nutrient management plans and design of storage and runoff control facilities; however, the modifications to NR 243 do not require such assistance given that private consultants can provide the same services.

## Fiscal Estimate Worksheet — 2005 Session

Detailed Estimate of Annual Fiscal Effect

|                                                                                                                                                               |                               |                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated<br><br><input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental | LRB Number<br><br>Bill Number | Amendment Number if Applicable<br><br>Administrative Rule Number<br>NR 243 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------|

Subject

Repeal and recreation of NR 243 - Animal Feeding Operations

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

| Annualized Costs:                       |                                                                                                                               | Annualized Fiscal Impact on State Funds from: |                   |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-------------------|
|                                         |                                                                                                                               | Increased Costs                               | Decreased Costs   |
| A. State Costs by Category              |                                                                                                                               |                                               |                   |
| State Operations — Salaries and Fringes |                                                                                                                               | \$ 88,400                                     | \$ -              |
| (FTE Position Changes)                  |                                                                                                                               | ( 1.50 FTE )                                  | ( - FTE )         |
| State Operations — Other Costs          |                                                                                                                               |                                               | -                 |
| Local Assistance                        |                                                                                                                               |                                               | -                 |
| Aids to Individuals or Organizations    |                                                                                                                               |                                               | -                 |
| Total State Costs by Category           |                                                                                                                               | \$                                            | \$ -              |
| B. State Costs by Source of Funds       |                                                                                                                               | Increased Costs                               | Decreased Costs   |
| GPR                                     |                                                                                                                               | \$ 88,400                                     | \$ -              |
| FED                                     |                                                                                                                               |                                               | -                 |
| PRO/PRS                                 |                                                                                                                               |                                               | -                 |
| SEG/SEG-S                               |                                                                                                                               |                                               | -                 |
| State Revenues                          | Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | Increased Revenue                             | Decreased Revenue |
| GPR Taxes                               |                                                                                                                               | \$                                            | \$ -              |
| GPR Earned                              |                                                                                                                               |                                               | -                 |
| FED                                     |                                                                                                                               |                                               | -                 |
| PRO/PRS                                 |                                                                                                                               |                                               | -                 |
| SEG/SEG-S                               |                                                                                                                               |                                               | -                 |
| Total State Revenues                    |                                                                                                                               | \$                                            | \$ -              |

### Net Annualized Fiscal Impact

|                        | <u>State</u> | <u>Local</u> |
|------------------------|--------------|--------------|
| Net Change in Costs    | \$ 88,400    | \$           |
| Net Change in Revenues | \$           | \$           |

  

|                      |               |                                 |
|----------------------|---------------|---------------------------------|
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